

>> procuring a search warrant could result in the loss or destruction of contraband or evidence pertaining to a crime.

The Sixth Circuit, in deciding the case of United States v. Sangineto-Miranda, 859 F.2d 1501, (6th Cir.1988), explained that a warrantless entry based on imminent destruction of evidence is justified if officers can show: (1) probable cause to enter the residence; and (2) “an objectively reasonable basis for concluding that the loss or destruction of evidence is imminent.” The second prong is established where officers have reasonable grounds to believe that third parties inside the dwelling “may soon become aware the police are on their trail, so that the destruction of evidence would be in order.” Since residential searches and seizures without a warrant are presumptively unreasonable, “the police bear a ‘heavy burden when attempting to demonstrate an urgent need’ that might justify a warrantless entry.”

However, Deputy Riddle urged the Sixth Circuit Court to follow the U.S. Supreme Court’s analysis in Illinois v. McArthur, 121 S. Ct. 946, (2001). In McArthur, the Supreme Court explained that because the defendant officers had raised a plausible claim of exigent circumstances, “rather than employing a per se rule of unreasonableness, we balance the privacy-related and law enforcement-related concerns to determine if the intrusion was reasonable.” To determine whether the plaintiff’s privacy interests outweighed law-enforcement concerns, the Court considered: (1) whether there was “probable cause to believe that the defendant’s residence contained evidence” of a crime or contraband; (2) whether “the police had good reason to fear that, unless restrained,” the defendant would destroy the evidence before they could return with a warrant; (3) whether officers “made reasonable efforts to reconcile their law enforcement needs with the demands of personal privacy”; and (4) whether the restraint in question lasted “no longer than reasonably necessary for the police, acting with diligence, to obtain the warrant.”

Deputy Riddle argued that McArthur provides the proper standard for determining the reasonableness of warrantless residential seizures. However, the Court provided that “the four-pronged McArthur test did not substantially alter the

law of this Circuit, as set forth in Sangineto-Miranda, instead, it simply clarified the Sangineto-Miranda analysis. The Sixth Circuit noted that “In any case, the result is the same under either test”; and the Court held that: (1) Riddle lacked probable cause to enter the top portion of 256 Nickell Heights; (2) there is a genuine issue of material fact as to whether Riddle reasonably believed that Michelle Lindsey’s daughter posed an imminent threat to the evidence; (3) Riddle’s seizure of the entire house privileged law-enforcement concerns at the expense of the residents’ privacy interests; and (4) the length of the seizure was not unreasonable. Therefore, whether Riddle violated Modrell’s Fourth Amendment rights depends on the whereabouts of Michelle Lindsey’s daughter, and whether she was under official supervision, when Riddle made his warrantless entry. This is a question for a jury to resolve.

In addressing whether that Constitutional right was clearly established, the second step in the two-step inquiry, the Court notes that “an officer is entitled to qualified immunity if the law in existence at the time of the incident did not clearly establish that his conduct would violate the Constitution.” The relevant inquiry is whether “it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted.”

Deputy Riddle points out that the district court upheld the search of 256 Nickell Heights that took place after the officers obtained their search warrant. Riddle argues that, if it was reasonable for him to believe that the house was a single-family residence when procuring the warrant and conducting the ensuing search, then it was no less reasonable for him to believe that he could enter the upper level without a warrant based on exigent circumstances. In ruling, the Sixth Circuit Court affirmed the district court, and held: “On the fundamental principle that, absent exigent circumstances, Riddle’s actions violated Modrell’s clearly established Fourth Amendment rights, the district court never wavered.”

NOTE:

This case involved an interlocutory appeal dealing solely with Deputy Riddle’s warrantless entry, and the Sixth Circuit Court of Appeals expressed no opinion as to the legality of the subsequent search undertaken by the warrant.